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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,362	02/06/2002	Virinder M. Batra	RSW 920010185US1 (7161-18)	6050
46320 7590 03/06/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER WIDHALM, ANGELA M	
			ART UNIT 2152	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/068,362

Applicant(s)

BATRA ET AL.

Examiner

Angela Widhalm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a non-final office action in response to the remarks filed on 1 August 2006. No claims were amended, cancelled, or added. The claims 1-12 are pending in this application.

Reopening Prosecution

2. In response to the Request for Pre-Appeal Brief Review filed on 1 August 2006, prosecution continues.

3. Examiner maintains the previous rejection, which is repeated below, and also provides another rejection of the independent claims 1 and 7.

Response to Arguments

4. Applicant's arguments filed 1 August 2006 have been fully considered but they are not persuasive.

5. Applicant argues that Kimoto does not teach receiving a rejection response to said forwarded network request and identifying in said rejection response a request for required location information, as is claimed.

Specifically, applicant argues that the negative outcome in figure 46 is not equivalent to a rejection response and that transmitting proposed landmarks from the center to the user is not a request for additional information. Figure 46 illustrates one

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embodiment for registering a user. The user first sends information to a center. This information is equivalent to a registration request. Upon determination that the user was not yet registered, the center notifies the user. This negative outcome is a rejection stating that the user was not registered. The rejection includes a list of possible landmarks relating to the user's location. Registration cannot continue without a user selecting a landmark. By providing this list of possible landmarks, the center is requesting additional information. At this point, the user selects the correct landmark and transmits the additional information to the center, which then responds by transmitting a map to the user.

Applicant further argues that determining whether transmitted data is registered is not location-based processing. Applicant has not provided any explanation of what is meant by "location-based processing" and as such, location-based processing may refer to the processing of any information related to location. Figure 46 illustrates a registration process using location information. If applicant would like to further prosecution, applicant should amend the claims to explain what applicant intends to claim instead of alleging Kimoto does not teach applicant's broad claim language.

Claim Rejections - 35 USC § 112

6. The text of those sections of Title 35, U.S. Code 112 not included in this action can be found in a prior Office action.

7. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

a. Regarding claims 1-12, Applicant claims the act of storing a received request and not the act of receiving a network request for location-based processing from a pervasive device. A received request cannot be stored unless it has first been received.

b. Regarding claims 4-6 and 10-12, Applicant does not previously claim storing an augmented network request, so there cannot be a valid augmented network request stored in cache.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Applicant claims storing a network request, forwarding this network request, rejecting this network request, using the stored network request to modify the rejected network request, and forwarding this modified network request, and performing the

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processing that was requested in the modified network request. It is not clear how the modified network request is any different than the original network request because the stored request is the same as the rejected network request. Applicant's specification describes storing information from within network requests or information relating to network requests (see p. 9 lines 5-6 and 15-16, p. 10 lines 10-11).

10. Although applicant claims a method and not a system, the system components are still needed to define the scope of the claims. As currently claimed, it is not clear where network requests are being stored and it also not clear which devices perform the claimed functions. Applicant argues that this shows the breadth of and not indefiniteness of the claims, however, examiner disagrees and maintains that the system components are needed for one of ordinary skill in the art to understand how to make and use the claimed invention. The specification does not provide support for the multiple broad interpretations of the claims so that one of ordinary skill in the art would know which devices are intended to perform the claimed steps.

Claim Interpretation

11. The claimed invention relates to a method and machine-readable storage (collectively referred to as "system") for requesting services from an application not physically connected to the requesting device, e.g. a mobile device. The system further employs a conventional caching concept for storing data, determining whether the request data is previously stored in the cache or storage, and providing data from an

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appropriate source to improve the efficiency of the network providing data. In which in the same field of endeavor, the applied references teach the same.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

13. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (U.S. Patent 6,473,609), hereafter referred to as Schwartz.

14. Regarding claims 1 and 7, Schwartz disclosed a system for requesting location-based services comprising the steps of:

responsive to receiving a network request for location-based processing from a pervasive device (*A URL request is a network request for location-based processing since a URL request is a request to access information at a specific location. The user sends a URL request from a mobile device to the control engine in the link server. See abstract lines 5-12, col. 2 lines 50-58, col. 11 lines 4-14, col. 17 lines 24-27, col. 21 lines 4-5, figs. 3 & 6*), storing said received network request (*The link server maintains a history of requests. See col. 16 lines 21-23*) and forwarding said received network request to a selected location-based application (*The link server forwards URL requests to the appropriate network servers and applications. See fig. 6*);

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receiving a rejection response to said forwarded network request and identifying in said rejection response a request for required location information (*The user receives a request for more information before being able to receive the requested document.* See figs. 7E-7G, col. 17 lines 35-45, col. 21 lines 5-6); and

locating said required location information from within said stored network request (*The user is able to provide the requested location information, e.g. town information.* See col. 17 lines 36-39), formulating an augmented network request with said required location information (*An updated request is generated with the location information, e.g. town information, provided by the user or by the link server if the information was stored in memory, as further discussed in the next paragraph.* See col. 17 lines 39-41), and forwarding said augmented network request to said selected location-based application, said selected location-based application performing said location-based processing using said required location information provided in said augmented network response (*The updated request is sent to the network server to be fulfilled.* See col. 17 lines 41-43).

Although Schwartz did not explicitly disclose using stored information to fulfill requests for additional information, Schwartz did explain that stored information could be used to fulfill requests (see col. 17 lines 43-45). It would have been obvious to one of ordinary skill in the art at the time of invention to use Schwartz's use of previously stored information to fulfill requests to fulfill the requests for additional information, as claimed.

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15. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (U.S. Patent 6,829,484), hereafter referred to as Kimoto, in view of Liming (U.S. Patent Publication 2002/0055924).

16. Regarding claims 1 and 7, Kimoto disclosed a system for requesting location-based services comprising the steps of:

receiving a network request for location-based processing (see col. 31 lines 47-56; *user requests a location-based service*; col. 12 lines 35-39; *an information requesting unit for requesting position information or related services from an information center*) from a pervasive device (see figure 6 #4; *mobile terminal*);

forwarding said received network request to a selected location-based application (see figure 18 #S2-S5; *request for a map is sent from the mobile terminal to the WWW server and then to the CGI program*);

receiving a rejection response to said forwarded network request (see figure 18 #S8, figure 46 #D3, *negative outcome is a rejection response*) and identifying in said rejection response a request for required location information (see figure 46 #D5, *selection offered to user is a request for required location information*); and

locating said required location information (see col. 50 lines 33-35, figure 46 #D6; *options are displayed on mobile device for user to make a selection*), formulating an augmented network request with said required location information (see col. 50 lines 33-34, figure 46 #D6; *user selects a landmark from the options provided by the server*), and forwarding said augmented network request to said selected location-based application

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(see col. 50 lines 35-36, figure 46 #D6; *user's selection is transmitted to information center*), said selected location-based application performing said location-based processing using said required location information provided in said augmented network response (see col. 50 lines 37-41, figure 46 #D7, figure 18 #S6'; *program retrieves map*).

Kimoto did not explicitly disclose storing a received network request or using the stored network request to find required location information. However, in an analogous art, Liming disclosed storing network packets, i.e. network request, at intermediate or final destinations (see paragraph 154). Within these packets was spatial information (see paragraphs 94, 168), which was also stored (see paragraphs 74, 89). Liming then also described retrieving network packets and location information from storage (see paragraphs 49, 154, 107, 93).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate stored network requests and a transaction log into Kimoto's location-based processing system to reduce the need to repeat previously performed functions. This transaction log would also be obvious and useful for back-up purposes so that less information would be lost in the case of a power failure.

17. Regarding claims 2 and 8, Kimoto-Liming disclosed wherein said network requests are hypertext transfer protocol (HTTP) requests (see Kimoto col. 35 lines 23-28; figure 18 #S3) and said rejection response is a class 4xx HTTP rejection response (see Kimoto col. 35 lines 39-47, figure 18 #S8; *data not found error message*).

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18. Regarding claims 3 and 9, Kimoto-Liming disclosed caching said augmented network requests (see Kimoto col. 55 lines 1-12).

19. Regarding claims 4 and 10, Kimoto-Liming disclosed the system of claims 3 and 9, including comprising the steps of:

determining whether a valid augmented network request associated with said received network request can be located within said cache (see Kimoto figure 63 #A3); and,

if said valid augmented network request can be located within said cache, forwarding said valid augmented network request to said selected location based application (see Kimoto figure 63 #A4); and

if a valid network request cannot be located within said cache, storing said received network request (see Kimoto figure 63 #A6) and forwarding said received network request to application (see Kimoto figure 63 #A5).

20. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto-Liming as applied to claims 4 and 10 above, and further in view of Himmel (U.S. Patent 6,167,441).

21. Regarding claims 5-6 and 11-12, Kimoto-Liming disclosed the limitations, substantially as claimed, as described in claims 4 and 10, further including pattern

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recognition (see Liming claim 24; *user behavior patterns*) and being unable to provide information as requested (see col. 35 lines 41-44; *data not found error message*).

Kimoto-Liming did not explicitly disclose recognizing a pattern for which information could not be provided as requested in rejection response, formulating an association between this pattern and a particular request, i.e. a set of information, and storing this information, e.g. device type, according to the determined association.

However, in a related art, Himmel disclosed an inventive concept wherein a client snooper gathers information to determine an unknown device type (see col. 8 lines 42-48). The association between this information and a device type is stored (see col. 8 lines 47-50, col. 9 lines 3-5) so that redirection of a web page could occur automatically the next time a request is received from that device (see col. 8 lines 50-51, col. 9 lines 5-6). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Himmel's pattern recognition with Kimoto-Liming's location-based processing system to improve accuracy and reduce ambiguities in the results provided to the user.

Conclusion

22. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figs may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

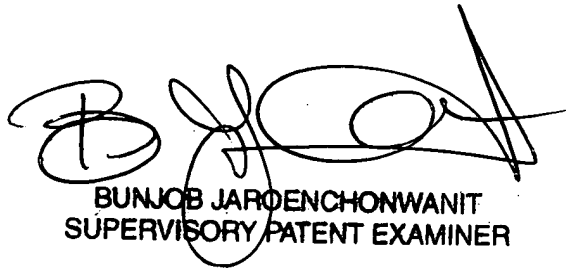
In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Widhalm whose telephone number is (571) 272-1035. The examiner can normally be reached M-F, 9:00 am - 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Angela Widhalm
Examiner
Art Unit 2152
22 February 2007



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